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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/671,634	09/28/2000	Kenichi Nakamura	012777-039	7050

21839 7590 07/10/2003

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EXAMINER

DUDEK, JAMES A

ART UNIT	PAPER NUMBER
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2871

DATE MAILED: 07/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/671,634	Applicant(s) NAKAMURA ET AL.	
	Examiner James A. Dudek	Art Unit 2871	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) 25-40 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-10 is/are allowed.
- 6) ☒ Claim(s) 11, 13 and 24 is/are rejected.
- 7) ☒ Claim(s) 12 and 14-23 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____. | 6) <input type="checkbox"/> Other: |

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 11, 13 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 0 778 476 A2 ("476").

Per claim 11, 476 teaches an anti-reflection film comprising a low refractive-index layer, having a refractive index of 1.30 to 1.55 [see index is between 1.25 and 1.45, see page 4], which comprises from 50 to 95% by weight of short fibrous inorganic fine particles [see page 3, line 5], and from 5 to 50% by weight of a polymer, wherein there are micro voids formed among the short fibrous inorganic fine particles [see page 3, lines 8-9]. Note that overlapping ranges are at least obvious.

13. The anti-reflection film as claimed in claim 11, wherein the short fibrous inorganic fine particles are substantially crosslinked [see figures].

24. An image display device equipped with the antireflection film as claimed in claim 1 or 11 on an image display surface [this claim is merely intended use and as such is not further limiting].

Allowable Subject Matter

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Claims 1-10 are allowed.

The prior art of record teaches an anti-reflection film, which is formed by laminating a high refractive-index layer, having a refractive index of 1.65 to 2.40, and a low-refractive index layer, having a refractive index of 1.30 to 1.55, wherein the high-refractive-index layer comprises 5 to 65% by volume of inorganic fine particles having an average particle size of 1 to 200 nm, and 35 to 95% by volume of a polymer composed of an organic compound. The prior art fails to teach or suggest in combination with the above limitations the particles having a core/shell structure.

Claim 12 and 14-23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art lacks the anti-reflection film as claimed in claim 11, which comprises a high-refractive-index layer comprising from 5 to 65% by volume of inorganic fine particles that have an average particle size of 1 to 200 nm, and from 35 to 95% by volume of a crosslinked polymer having an anionic group.

The prior art of record fails to teach the anti-reflection film as claimed in claim 1 or 11, wherein an over coat layer containing a fluorine-containing compound is laminated on the low-refractive index layer.

Per claim 12, the prior art fails to teach the anti-reflection film as claimed in claim 11, wherein the short fibrous inorganic fine particles comprise silica, and the low-refractive-index layer has a void ratio of 1 to 50% by volume.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Dudek whose telephone number is 308-4782. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert H. Kim can be reached on 703-305-3492. The fax phone numbers for the

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organization where this application or proceeding is assigned are 703-308-7721 for regular communications and 703-308-7721 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.


James A. Dudek
Primary Examiner
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June 27, 2003